

By: Zaffirini

S.B. No. 768

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the Texas emissions reduction plan, including the
3 eligibility for grants for natural gas fueling stations under the
4 Texas natural gas vehicle grant program.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 386.002, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 386.002. EXPIRATION. This chapter expires on the last
9 day of the state fiscal biennium during which the commission
10 publishes in the Texas Register certification that, with respect to
11 each national ambient air quality standard for ozone under 40
12 C.F.R. Section 81.344, the United States Environmental Protection
13 Agency has, for each designated area under that section:

14 (1) designated the area as attainment or
15 unclassifiable; or

16 (2) approved a redesignation substitute making a
17 finding of attainment for the area [August 31, 2019].

18 SECTION 2. Section 390.006, Health and Safety Code, is
19 amended to read as follows:

20 Sec. 390.006. EXPIRATION. This chapter expires on the last
21 day of the state fiscal biennium during which the commission
22 publishes in the Texas Register certification that, with respect to
23 each national ambient air quality standard for ozone under 40
24 C.F.R. Section 81.344, the United States Environmental Protection

1 Agency has, for each designated area under that section:

2 (1) designated the area as attainment or
3 unclassifiable; or

4 (2) approved a redesignation substitute making a
5 finding of attainment for the area [August 31, 2019].

6 SECTION 3. Section 391.304, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 391.304. EXPIRATION. This chapter expires on the last
9 day of the state fiscal biennium during which the commission
10 publishes in the Texas Register certification that, with respect to
11 each national ambient air quality standard for ozone under 40
12 C.F.R. Section 81.344, the United States Environmental Protection
13 Agency has, for each designated area under that section:

14 (1) designated the area as attainment or
15 unclassifiable; or

16 (2) approved a redesignation substitute making a
17 finding of attainment for the area [August 31, 2019].

18 SECTION 4. Section 392.008, Health and Safety Code, is
19 amended to read as follows:

20 Sec. 392.008. EXPIRATION. This chapter expires on the last
21 day of the state fiscal biennium during which the commission
22 publishes in the Texas Register certification that, with respect to
23 each national ambient air quality standard for ozone under 40
24 C.F.R. Section 81.344, the United States Environmental Protection
25 Agency has, for each designated area under that section:

26 (1) designated the area as attainment or
27 unclassifiable; or

1 (2) approved a redesignation substitute making a
2 finding of attainment for the area [August 31, 2017].

3 SECTION 5. Section 393.007, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 393.007. EXPIRATION. This chapter expires on the last
6 day of the state fiscal biennium during which the commission
7 publishes in the Texas Register certification that, with respect to
8 each national ambient air quality standard for ozone under 40
9 C.F.R. Section 81.344, the United States Environmental Protection
10 Agency has, for each designated area under that section:

11 (1) designated the area as attainment or
12 unclassifiable; or

13 (2) approved a redesignation substitute making a
14 finding of attainment for the area [August 31, 2018].

15 SECTION 6. Section 394.005(c), Health and Safety Code, is
16 amended to read as follows:

17 (c) As a condition of receiving a grant, the qualifying
18 vehicle must be continuously owned, leased, or otherwise
19 commercially financed and registered and operated in the state by
20 the grant recipient until the earlier of the fourth anniversary of
21 the date of reimbursement of the grant-funded expenses or until the
22 date the vehicle has been in operation for 400,000 miles after the
23 date of reimbursement. Not less than 75 percent of the annual use
24 of the qualifying vehicle, either mileage or fuel use as determined
25 by the commission, must occur in:

26 (1) the counties any part of which are included in the
27 areas [area] described by Section 394.010(a-1) [394.010(a)]; or

1 (2) counties designated as nonattainment areas within
2 the meaning of Section 107(d) of the federal Clean Air Act (42
3 U.S.C. Section 7407).

4 SECTION 7. The heading to Section 394.010, Health and
5 Safety Code, is amended to read as follows:

6 Sec. 394.010. CLEAN TRANSPORTATION TRIANGLES [~~TRIANGLE~~].

7 SECTION 8. Section 394.010, Health and Safety Code, is
8 amended by amending Subsections (a) and (d) and adding Subsections
9 (a-1) and (a-2) to read as follows:

10 (a) In this section, "affected county" has the meaning
11 assigned by Section 386.001.

12 (a-1) To ensure that natural gas vehicles purchased,
13 leased, or otherwise commercially financed or repowered under the
14 program have access to fuel, and to build the foundation for a
15 self-sustaining market for natural gas vehicles in Texas, the
16 commission shall award grants to support the development of a
17 network of natural gas vehicle fueling stations:

18 (1) along the interstate highways connecting Houston,
19 San Antonio, Dallas, and Fort Worth;

20 (2) along the interstate highways connecting San
21 Antonio to Corpus Christi and Laredo and the highways connecting
22 Corpus Christi and Laredo that are in the state highway system; [7]

23 and

24 (3) in nonattainment areas and affected counties of
25 the state.

26 (a-2) In awarding the grants, the commission shall provide
27 for:

1 (1) strategically placed natural gas vehicle fueling
2 stations:

3 (A) in and between the Houston, San Antonio, and
4 Dallas-Fort Worth areas to enable a natural gas vehicle to travel in
5 that triangular area relying solely on natural gas fuel;

6 (B) in and between the Corpus Christi, Laredo,
7 and San Antonio areas to enable a natural gas vehicle to travel in
8 that triangular area relying solely on natural gas fuel; [7] and

9 (C) in nonattainment areas and affected counties
10 of the state, to enable a natural gas vehicle to travel in those
11 areas relying solely on natural gas fuel;

12 (2) the grants to be dispersed through a competitive
13 bidding process to offset a portion of the cost of installation of
14 the natural gas dispensing equipment;

15 (3) contracts that require the recipient stations to
16 meet operational, maintenance, and reporting requirements as
17 specified by the commission; and

18 (4) a listing, to be maintained by the commission and
19 made available to the public online, of all natural gas vehicle
20 fueling stations that have received grant funding, including
21 location and hours of operation.

22 (d) Stations funded by grants under this section must be
23 publicly accessible. In awarding grants for stations under this
24 section, the [The] commission shall give preference to:

25 (1) stations providing both liquefied natural gas and
26 compressed natural gas at a single location;

27 (2) stations located not more than one mile from an

1 interstate highway [~~system~~]; and

2 (3) stations located in the triangular areas described
3 by Subsections (a-2)(1)(A) and (B) [area between the Houston, San
4 Antonio, and Dallas-Fort Worth areas].

5 SECTION 9. Section 394.012, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 394.012. EXPIRATION. This chapter expires on the last
8 day of the state fiscal biennium during which the commission
9 publishes in the Texas Register certification that, with respect to
10 each national ambient air quality standard for ozone under 40
11 C.F.R. Section 81.344, the United States Environmental Protection
12 Agency has, for each designated area under that section:

13 (1) designated the area as attainment or
14 unclassifiable; or

15 (2) approved a redesignation substitute making a
16 finding of attainment for the area [August 31, 2017].

17 SECTION 10. This Act takes effect August 30, 2017, but only
18 if S.B. 26, or similar legislation of the 85th Legislature, Regular
19 Session, 2017, that changes the expiration dates for the Texas
20 emissions reduction plan and certain programs funded under that
21 plan and transfers provisions governing grants for natural gas
22 vehicle fueling facilities along interstate highways connecting
23 Houston, San Antonio, Dallas, and Fort Worth and in nonattainment
24 areas from the Texas natural gas vehicle grant program under
25 Chapter 394, Health and Safety Code, to the Texas alternative
26 fueling facility program under Chapter 393, Health and Safety Code,
27 does not become law. If such a bill becomes law, this Act has no

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1 effect.